

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

**Plaintiff**

**v.**

\$100,020.00 IN U.S. CURRENCY,

**Defendant.**

CIVIL NO. 20-

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, W. Stephen Muldrow, United States Attorney for the District of Puerto Rico and Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief Civil Division, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

**NATURE OF THE ACTION**

1. This is a civil action in rem brought to enforce the provisions of Title 31, United States Code, Sections 5332 and 5324.

**DEFENDANT IN REM**

2. The defendant currency seized by an officer of the United States Customs and Border Protection (“CBP”) and the Immigration and Customs Enforcement-Homeland Security Investigations (“ICE-HSI”), consists of \$100,020.00 in U.S. currency.

### JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 31, United States Code, Sections 5332 and 5324.
4. This Court has in rem jurisdiction over the defendant currency pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant currency is found in this district).
5. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant currency is found in this district).

### BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Section 5332 (Bulk cash smuggling into or out of the United States) and 5324 (Structuring transactions to evade reporting requirement prohibited).

### FACTS

7. The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the Immigration and Customs Enforcement-Homeland Security Investigations (“ICE-HSI”), Special Agent, Ricardo A. Rivera attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant currency be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 7<sup>th</sup> day of April, 2020.

W. STEPHEN MULDROW  
United States Attorney

*s/Héctor E. Ramírez-Carbo*  
Héctor E. Ramírez-Carbo  
Assistant U.S. Attorney  
Chief Civil Division  
USDC-PR-NO. 214902  
UNITED STATES ATTORNEY'S OFFICE  
Torre Chardón, Suite 1201  
350 Carlos Chardón Street  
San Juan, Puerto Rico 00918  
Phone Number: (787)766-5656  
[Hector.E.Ramirez@usdoj.gov](mailto:Hector.E.Ramirez@usdoj.gov)

VERIFIED DECLARATION

I, Héctor E. Ramírez-Carbó, Assistant U.S. Attorney, Chief Civil Division for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the ICE-HSI; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 7<sup>th</sup> day of April, 2020.

/Héctor E. Ramírez-Carbó

Héctor E. Ramírez-Carbó  
Assistant U.S. Attorney  
Chief, Civil Division

VERIFIED DECLARATION

I, Ricardo A. Rivera, Special Agent, ICE-HSI, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 2 day of April, 2020.

[Signature]

Ricardo A. Rivera, Special Agent  
Immigration and Customs Enforcement-  
Homeland Security Investigations ("ICE-HSI")

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY**  
**TITLE 28 UNITED STATES CODE 1746**

Pursuant to 28 U.S.C. § 1746, I, Ricardo A. Rivera, declare under penalty of perjury that the foregoing is true and correct:

**PROFESSIONAL BACKGROUND**

I am employed as a Special Agent with United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) since 2017. As a Special Agent, my responsibilities include conducting investigations of alleged manufacturing, distributing and possession of controlled substances, importation of controlled substances, smuggling of goods, currency and others into and out of the United States, firearms violations and related offenses.

I have attended the United States Department of Homeland Security Criminal Investigator Training Program (CITP) and the Immigration and Customs Enforcement Special Agent Training (HSISAT), at the Federal Law Enforcement Training Center (FLETC), in Glynco, Georgia. I was trained to conduct criminal investigations related to narcotics, currency, firearms, contraband smuggling, interdiction and distribution activities, among others. Prior to my employment with HSI, I was employed for 7 years in the private sector conducting investigations related to theft, embezzlement, fraud, identity theft, counterfeiting, and other crimes. I am currently assigned to the Airport Investigations and Tactical Team (AitTAT), where investigations conducted are related to violations of Titles 8, 18, 19, 21, and 31 of the United States Code (U.S.C.).

**ITEM TO BE FORFEITED**

\$100,020.00 in U.S Currency

**FACTS**

1. On November 13, 2019, U.S. Customs and Border Protection Officers (CBPO) assigned to the Luis Munoz Marin International Airport in San Juan, Puerto Rico, received information from Transportation Security Administration (TSA) officers about a passenger, later identified as Aldo PIMENTEL-Ramirez, travelling to Santo Domingo, Dominican Republic with a large amount of currency in his luggage. PIMENTEL-Ramirez was scheduled to depart LMMIA to Santo Domingo, Dominican Republic on Jet Blue flight 1037 on the same date.
2. Upon arrival to the Customs and Border Protection (CBP) Federal Inspection Site (FIS), a secondary inspection was conducted of PIMENTEL-Ramirez where CBPO's asked PIMENTEL-Ramirez if he was transporting a more than \$10,000.00 USD in currency. PIMENTEL-Ramirez declared that he was transporting \$10,000.00 USD in currency. PIMENTEL-Ramirez filled out a FinCEN Form 105 declaring \$10,000.00 USD. PIMENTEL-Ramirez was asked if his brother, travelling with him and identified as Regis PIMENTEL-Ramirez (hereinafter R. PIMENTEL-Ramirez), had more than 10,000.00 USD. PIMENTEL-Ramirez told CBPO's that R. PIMENTEL-Ramirez did not have more than \$10,000.00 USD. According to CBP records, both passengers are citizens of the Dominican Republic travelling under a B1/B2 visa.
3. After secondary inspection, PIMENTEL-Ramirez and R. PIMENTEL-Ramirez proceeded to the jet bridge where CBP officers conducted an outbound interview of both passengers. During the interviews, PIMENTEL-Ramirez stated he was travelling with \$10,000.00 USD, R. PIMENTEL-Ramirez stated he was travelling with \$9,900.00 USD. Both

passengers filled out a CBP Currency Declaration form declaring \$10,000.00 and \$9,900.00 USD respectively. The form was in the Spanish language, both passengers' native language. CBP officers also asked PIMENTEL-Ramirez if he was travelling with any checked luggage, to which PIMENTEL-Ramirez stated he was not.

4. PIMENTEL-Ramirez and R. PIMENTEL-Ramirez were escorted to the CBP Inspection area for further inspection as per CBP's Border Search authority. A border search was conducted of PIMENTEL-Ramirez luggage. The \$10,000.00 PIMENTEL-Ramirez declared was found in a manila envelope inside his black leather backpack. Further physical examination revealed a vacuum sealed bag, containing an additional \$10,000.00 USD, concealed in another zippered compartment of the black leather backpack.
5. CBP officers identified a checked bag, a wine cooler suitcase, checked by PIMENTEL-Ramirez. A CBP K-9 officer, "Nika" 181164, examined the checked suitcase and alerted to the presence of narcotics in the checked wine cooler suitcase. When presented with the wine cooler suitcase, PIMENTEL-Ramirez acknowledged ownership of the wine cooler suitcase. Physical examination of the wine cooler revealed six (6) vacuum sealed bags concealed within the liner of the wine cooler suitcase. Each of the six (6) vacuum sealed bags contained \$10,000.00 USD. PIMENTEL-Ramirez was travelling with a total of \$80,000.00.
6. During the border search of R. PIMENTEL-Ramirez luggage, CBPO's discovered \$10,000, of which \$9,900.00 was declared by R. PIMENTEL-Ramirez, inside a manila envelope stored inside a black cloth backpack R. PIMENTEL-Ramirez claimed to be his. This black cloth backpack was inside a carryon hard-shell suitcase that R. PIMENTEL-Ramirez stated belonged to PIMENTEL-Ramirez. During the border search, R.

PIMENTEL-Ramirez admitted to CBPO's that the currency he declared, \$9,900, belonged to PIMENTEL-Ramirez. Further physical examination of the hard-shell carryon suitcase revealed an additional \$10,000.00 concealed in three (3) places within the hard-shell suitcase; two socks, which were further concealed inside two shoes, and the third place of concealment was behind the liner of the hard-shell carryon suitcase. As a result of the search, R. PIMENTEL-Ramirez was found to be travelling with \$20,000.00. Both passengers admitted that the total amount of currency, approximately \$100,000.00 USD, belonged to PIMENTEL-Ramirez.

7. During an interview conducted by Homeland Security Investigations (HSI) agents, R. PIMENTEL-Ramirez stated that he was asked by PIMENTEL-Ramirez to carry \$9,000.00 on the return flight to Santo Domingo, Dominican Republic. R. PIMENTEL-Ramirez denied ownership of the currency or knowledge of the concealed currency in the hard-shell suitcase he was carrying.
8. During an interview by HSI agents, PIMENTEL-Ramirez admitted that he gave R. PIMENTEL-Ramirez the \$10,000 he was transporting. PIMENTEL-Ramirez also admitted to being the owner of the \$100,000.00 USD discovered during the inspection. PIMENTEL-Ramirez stated he did not remember the \$80,000.00 USD in undeclared currency was inside his three bags.

Based on my training and experience investigating drug trafficking, money laundering, bulk cash smuggling and currency mules, to include my extensive conversation with other investigators and members of law enforcement, I know that drug traffickers and currency smugglers often use methods of concealment to avoid detection and further avoid reporting requirements. Drug traffickers and currency smugglers often use false bottoms, hidden areas in

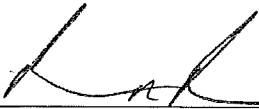


luggage such as behind luggage liners, inside clothing or shoes to achieve these means. Drug traffickers and currency smugglers also use methods to avoid Law Enforcement K-9 detection such as vacuum sealing narcotics or currency.

Based on my training and experience, and the facts concerning this investigation, I respectfully believe that sufficient probable cause exists to show that there is material evidence present of the commission of violations of a Federal Law, to wit: 31 U.S.C §5332; Bulk cash smuggling into or out of the United States, and 31 U.S.C §5324; Structuring transactions to evade reporting requirement prohibited; giving rise to the forfeiture of the \$100,020.00 in U.S. Currency.

I declare under penalty of perjury that the foregoing is true and correct.

Signed under penalty of perjury, in San Juan, Puerto Rico this 2<sup>th</sup> day of April, 2020.



\_\_\_\_\_  
Ricardo A. Rivera, Special Agent  
Homeland Security Investigations (HSI)  
U.S. Immigration and Customs Enforcement (ICE)  
Department of Homeland Security

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Héctor E. Ramírez-Carbó AUSA, 350 Carlos Chardon Ave, Suite  
1201, Hato Rey, PR 00918

**DEFENDANTS**

US v. \$100,020.00 IN U.S. CURRENCY,

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                                       |                            |   |                            |                            |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 31, United States Code, Sections 5332 and 5324.

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

s/Héctor E. Ramírez-Carbó

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_


**United States District Court *for the* District of Puerto Rico**
**CATEGORY SHEET**

1. Title of Case (Name of first party on each side only)  
 US v. \$100,020.00 IN U.S. CURRENCY
  
2. Category in which case belongs: (See Local Rules)  

<input checked="" type="checkbox"/>	ORDINARY CIVIL CASE	<input type="checkbox"/> CIVIL FORFEITURE
<input type="checkbox"/>	SOCIAL SECURITY	
<input type="checkbox"/>	BANK CASE	
<input type="checkbox"/>	INJUNCTION	
  
3. Title and number, if any, of related cases (See Local Rules)  
 \_\_\_\_\_  
 \_\_\_\_\_
  
4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?  
☐ YES ☒ NO
  
5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?  
☐ YES ☒ NO
  
6. Does this case question the constitutionality of a state statute (FRCP 24)?  
☐ YES ☒ NO

(Please Print)

USDC ATTORNEY'S ID NO.

214902

ATTORNEY'S NAME:

HECTOR E. RAMIREZ-CARBO

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

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